

Message Text

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ACTION OES-03

INFO OCT-01 EUR-08 ISO-00 AID-05 CEQ-01 CIAE-00 COA-01

COME-00 DODE-00 EB-04 EPA-01 INR-05 IO-04 L-02 NSF-01

NSC-05 NSAE-00 PM-03 RSC-01 SS-15 SP-02 FEAE-00 SSO-00

NSCE-00 INRE-00 AF-04 ARA-06 EA-06 NEA-06 OIC-01 /085 W

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O 231158Z OCT 74

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LIMITED OFFICIAL USE SECTION 01 OF 02 OECD PARIS 25008

C O R R E C T E D C O P Y - T E X T

E.O.11652:N/A

TAGS: SENV, OECD

SUBJECT: ENVIRONMENT MINISTERS CONFERENCE, NOVEMBER
13-14, 1974

REF: (A) STATE 207212 (B) STATE 225133

1. SUMMARY. HEADS OF DELEGATIONS MET 21 OCTOBER TO
DECIDE ON A PROCEDURE TO BE FOLLOWED FOR ADOPTION
OF ACTION PROPOSALS AT SUBJECT CONFERENCE AND IN PARTICU-
LAR TO CONSIDER WHETHER ACTION PROPOSAL ON TRANSFRONTIER
POLLUTION SHOULD BE TRANSMITTED TO MINISTERS. HEADS
COMPROMISED ON HYBRID OF ADOPTION PROCEDURES OPTIONS A.
AND D. SUBJECT TO FURTHER CONSIDERATION. THEY AGREED
THAT TRANSFRONTIER POLLUTION QUESTIONS WOULD BE
CONSIDERED AGAIN IN COUNCIL ON OCTOBER 24. ACTION
REQUESTED: DEPARTMENT GUIDANCE ON PROCEDURES AND
CHANGES. END SUMMARY.

2. ALTHOUGH A NUMBER OF DELEGATIONS AGREED WITH US
PREFERENCE FOR OPTION A
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PROCEDURE FOR ADOPTING ACTION PROPOSALS (CES(74)97),

HEADS OF DELEGATIONS COMPROMISED ON A ZEBRA FORMULA (AS CHARACTERIZED BY SECGEN) COMBINING OPTIONS A AND D. THUS COUNCIL WILL MEET FOR A PRESUMABLY BRIEF SESSION EARLY AFTERNOON NOVEMBER 14 TO PUT CACHET OF APPROVAL ON ACTION PROPOSALS. DELEGATIONS WOULD HAVE OPTION OF PLACING THEIR ENVIRONMENT MINISTER OR HEAD OF DELEGATION IN COUNCIL CHAIR.

3. IN REGARD TO ACTION PROPOSAL X ON TRANSFRONTIER POLLUTION FRG MADE STRONG STATEMENT URGING THAT C(74)158 ANNEX X (2ND REV.) BE FORWARDED TO MINISTERS AS IT STANDS WITHOUT CHANGE. THEY STATED THAT BY NOW THE ANNEX X HAD SEE-SAWED BACK AND FORTH BETWEEN VARIOUS COMMITTEES AND THAT NEITHER DELEGATIONS NOR HOME MINISTRIES KNEW AT ANY POINT WHICH TEXT WAS BEING CONSIDERED. GERMAN DELEGATE CONFESSED TO UTTER CONFUSION, A CONFESSION WHICH WAS SOON CONFIRMED BY THE EVENTS OF THE MEETING.

4. THE MOST IMPORTANT DEVELOPMENT WAS THAT THE FRENCH DELEGATE, VALERY, SUGGESTED AS COMPROMISE THAT "AN APPROPRIATE BALANCE OF RIGHTS AND OBLIGATIONS" BE OMITTED IN TITLE B. ALTHOUGH GERMAN AND OTHER DELEGATIONS HAD PREVIOUSLY SPOKEN STRONGLY FOR RETENTION OF THAT PHRASE, THE IMPORT OF VALERY'S SUGGESTION WAS NOT CLEAR TO ASSEMBLY AND ONLY THE US PROTESTED. WITHOUT GOING INTO DETAILS, THE MAJOR DIFFICULTIES BECLOUDING THE FORWARDING OF ANNEX X ARE AS FOLLOWS:
I) THE CANADIAN PROBLEM. CANADIANS WILL NOT ACCEPT ANY VERSION BUT TEXT OF 19 JUNE 1974 IN ENV/MIN(74)7.

AFTER THIS HEADS OF DELEGATIONS MEETING THEY TOLD US THAT THEY HOPE THAT THIS WILL ENABLE THE PAPER TO GO FORWARD SIMPLY AS A DISCUSSION PAPER BUT NOT FOR ACTION. THEY STATED PRIVATELY THAT THEY ARE AFRAID THAT THEIR MINISTER MIGHT BE INCLINED TO APPROVE A TFP TEXT AT THE MINISTERS CONFERENCES AND CONSEQUENTLY WILL HAVE LARGE DELEGATION TO SHIELD HER. ELDIN WILL BE PASSING LIMITED OFFICIAL USE

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THROUGH OTTAWA ON HIS RETURN FROM A SPEAKING ENGAGEMENT (SPOKANE WORLD'S FAIR) IN A WEEK. CANADIANS HAVE TOLD SECRETARIAT THAT THEY WILL NOT ARRANGE FOR HIM TO SEE THEIR MINISTER, PRESUMABLY BECAUSE THEY ARE AFRAID OF HIS PERSUASIVE POWERS.
II) THE GREEK PROBLEM. THE GREEKS STATED THAT THEY WILL BE UNABLE TO ACCEPT ANY VERSION IN ANNEX X WHOSE PARAGRAPHS 4A AND 4B ON THE PRINCIPLE OF NON-

DISCRIMINATION DO NOT CORRESPOND EXACTLY TO THOSE
ACHIEVED AT THE 12TH SESSION OF THE ENVIRONMENT
COMMITTEE IN SEPTEMBER 1974.
III) THE SPANISH PROBLEM. AFTER ALL DELEGATIONS HAD

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INFO OCT-01 ISO-00 AF-04 ARA-06 EA-06 EUR-08 NEA-06 RSC-01

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AGREED TO A COMPROMISE PROPOSED BY THE SPANISH
DELEGATION (INCLUDED IN 2ND REVISION), THE SPANISH
STATED THAT THEY COULD NOT AGREE TO THE COMPROMISE IN
AGREED TO A COMPROMISE PROPOSED BY THE SPANISH
DELEGATION (INCLUDED IN 2ND REVISION), THE SPANISH
STATED THAT THEY COULD NOT AGREE TO THE COMPROMISE IN
ANY FORM. CONSEQUENTLY THEY INTEND TO RESERVE,
PRINCIPALLY BECAUSE OF THE RETENTION IN THE TEXT OF THE
PRINCIPLE OF EQUAL RIGHT OF HEARING. BUT THEY NOW
WISH TO RETAIN THE OPTION OF OPPOSING OTHER CHANGES IN
THE 2ND REVISION OF ANNEX X AND MOST PARTICULARLY IN
INSTRUCTION V OF ITS PREAMBLE, WHERE SEVERAL SEEM
MOTIVATED TO CHANGE THE EMPHASIS ON EQUAL RIGHT OF

HEARING. THEIR AMBASSADOR "WILL MAKE AN IMPORTANT STATEMENT" AT THE OCTOBER 24 COUNCIL MEETING. IV) THE NETHERLANDS PROBLEM. THE NETHERLANDS HAS BEEN THE MOST ACTIVE EDITOR IN ALL SESSIONS. AT HEADS OF DELEGATION MEETING THEY INSISTED IN FOLLOWING CHANGES, AND ARE LIKELY TO COME UP WITH MORE IN LIMITED OFFICIAL USE

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COUNCIL. THEY WOULD LIKE ARTICLE V OF PREAMBLE TO READ AS FOLLOWS:
"INSTRUCTS THE ENVIRONMENT COMMITTEE TO INVESTIGATE FURTHER THE ISSUES CONCERNING THE PRINCIPLE OF EQUAL RIGHT OF HEARING, TO FORMULATE AS SOON AS POSSIBLE DRAFT RECOMMENDATION AND TO REPORT TO THE COUNCIL ON ITS WORK BY 1ST JULY, 1975."

ALSO THEY INSIST ON THE ELIMINATION OF TERMINAL PHRASE IN SECTION 4A WHICH READS "IN PARTICULAR AS REGARDS THE STATE OF THE ENVIRONMENT IN ZONES AFFECTED". V) THE FRENCH PROBLEM. THE FRENCH HAD, PREVIOUS TO THE HEADS OF DELEGATION MEETING, INSISTED ON THE INCLUSION IN THE 1ST SENTENCE OF TITLE C OF THE WORDS "AND IN GENERAL" (NOW IN BRACKETS) SO THE SENTENCE WOULD READ: "COUNTRIES SHOULD INITIALLY AND IN GENERAL BASE THEIR ACTION ON THE PRINCIPLE OF NON-DISCRIMINATION." AT THE BEGINNING OF THE HEADS OF DELEGATION MEETING THE FRENCH SAID THAT THEY WERE DISPOSED TO GIVE UP THEIR INSISTENCE ON THAT PHRASE. TOWARDS THE END OF THE MEETING VALERY STATED THAT IF OTHERS WERE NOT GOING TO COMPROMISE THEN THEY SAW NO REASON TO COMPROMISE GENERAL.)

5. US WITHHELD FALL-BACK PROPOSAL (REF.B). THERE IS A GROWING GROUND SWELL ENCOURAGED BY THE CANADIANS, TO FORWARD A VERSION OF ANNEX X, NOT AS AN ACTION PROPOSAL BUT AS A DOCUMENT FOR DISCUSSION. IF THAT VIEW APPEARS LIKELY TO BECOME CONSENSUS OF COUNCIL, MISSION NEEDS TO KNOW WHETHER DEPARTMENT WOULD PREFER MINISTERIAL DISCUSSION OF VERSION OF ANNEX X WITHOUT ACTION INTENT OR TABLING OF FALL-BACK PROPOSAL AS AN ACTION PROPOSAL.
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